

<p><b>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO</b> 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioner:</p> <p><b>CHRIS J. AND JENNIFER A. ANDERSON,</b></p> <p>v.</p> <p>Respondent:</p> <p><b>EAGLE COUNTY BOARD OF EQUALIZATION.</b></p>	<p><b>Docket No.: 52595</b></p>
<p><b>ORDER</b></p>	

**THIS MATTER** was heard by the Board of Assessment Appeals on December 30, 2010, Diane M. DeVries and Sondra W. Mercier presiding. Petitioner, Mr. Chris Anderson, appeared pro se for Petitioners. Respondent was represented by Diane H. Mauriello, Esq. Petitioners are protesting the 2009 actual value of the subject property.

Subject property is described as follows:

**100 E. Meadow Drive, Vail Village Inn Plaza #210, Vail, Colorado  
Eagle County Schedule No. R030976**

The subject property is a 625 square foot residential condominium unit located in Vail Village. The unit has one bedroom and two bathrooms and was renovated in 2003.

Petitioners are requesting an actual value of \$562,500.00 for the subject property for tax year 2009. Respondent assigned an actual value of \$775,000.00 to the subject property for tax year 2009.

Petitioner, Mr. Chris Anderson, testified that his unit should be valued at \$900.00 per square foot based on equalization with the adjacent unit. Petitioners presented six comparable sales ranging in sale price from \$1,083.00 to \$1,923.00 per square foot. Adjustments were based on comparison with the adjacent 851 square foot unit. After adjustments were made, the sales ranged from \$728.00 to \$1,057.00 per square foot.

Respondent presented a value of \$785,910.00 for the subject property based on the market approach.

Respondent's witness, Ms. Bonnie Embry of the Eagle County Assessor's Office, presented three comparable sales ranging in sale price from \$640,000.00 to \$1,087,590.00 and in size from 609 to 1,004 square feet. After adjustments were made, the sales ranged from \$765,719.00 to \$806,104.00.

Ms. Embry testified that the adjacent unit was larger in size, at 851 square feet, and that the value of that unit was established by a hearing officer. Ms. Embry testified that the Assessor's Office did not agree with the value placed on the adjacent unit.

Respondent assigned an actual value of \$775,000.00 to the subject property for tax year 2009.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2009. Respondent applied the market approach and presented comparable sales that were adjusted based on a comparison with the subject unit, giving consideration to unit size, parking, location, and effective age. As stated in Section 39-1-103(5)(a), C.R.S., "[t]he actual value of residential real property shall be determined solely by consideration of the market approach to appraisal."

Petitioners placed the greatest reliance on an equalization argument to support their requested value of \$562,500.00. While Petitioners presented comparable sales data, the analysis and adjustments were based on a comparison between the adjacent property and the comparable sales rather than a comparison with the subject.

If the actual value of the subject property has been shown using the market approach as required by Section 39-1-103(5)(a), C.R.S., the Board can then consider an equalization argument. Petitioners provided insufficient probative evidence or testimony to support the requested value using the market approach, so Petitioners' equalization argument could not be considered.

**ORDER:**

The petition is denied.

**APPEAL:**

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of Section 24-4-106(11), C.R.S. (commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

Section 39-8-108(2), C.R.S.

DATED and MAILED this 14 day of January 2011.

**BOARD OF ASSESSMENT APPEALS**

*Diane M. DeVries*

Diane M. DeVries

*Sondra W. Mercier*

Sondra W. Mercier

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

*Amy Bruins*  
Amy Bruins

